

USE-OF-FORCE POLICY

RM-404

Policy

It is the policy of the Department of Game and Fish to ensure that Constitutional rights are preserved and to apply only that force that is reasonable and necessary to:

- A. prevent a crime from occurring or interrupt a crime;
- B. prevent someone from hurting themselves or another;
- C. to impose custody, overcome resistance, prevent assault on the officer or another person(s);
- D. or to accomplish law enforcement actions in all other circumstances where the use of force is necessary.

The use of force may include, but is not limited to verbal direction and persuasion, physical strength, use of chemical agents, impact weapons and firearms approved by the Department.

Officers are permitted to use those tactics and weapons with which they are trained, qualified and certified. However, in life-threatening circumstances involving self-defense or the defense of others, any available tool, device or method of delivering deadly force may be used to stop life-threatening actions.

Definitions

Deadly Force is defined as: Any power set into motion or any action which, from the manner used, is likely to produce death or serious bodily injury.

Non-Deadly Force or Less-than-Lethal Force is defined as: Any use of force other than that which is considered deadly force.

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

PROCEDURES AND PARAMETERS FOR THE USE OF DEADLY FORCE**Parameters for use of Deadly Force:**

An officer is authorized to use deadly force when he/she has probable cause to believe the officer or another is threatened with serious harm or deadly force while performing a lawful duty. In these situations, only the amount of force necessary to stop the action will be applied.

Deadly force should preferably be applied by use of firearms approved by the Department. In life-threatening circumstances involving self-defense or the defense of others, any available tool, device or method of delivering deadly force may be used to stop life-threatening actions.

Where feasible, some warning should be given prior to engaging in the use of deadly force.

Duties and responsibilities of Officer(s) using and involved in Deadly Force:

- A. Provide emergency medical assistance and request a supervisor.
 - 1. Once the situation is under control and the threat to the officer(s) and civilians is no longer present, officer(s) shall, if necessary, obtain medical attention for anyone who is injured.
 - 2. The officer shall contact his immediate supervisor, or the next available supervisor in his chain of command, within six hours.
- B. Secure the crime scene and preserve evidence.

1. The entire crime scene(s) shall be secured in a way that will prevent the removal or destruction of evidence.
 2. If any evidence, especially weapons, must be secured to guarantee officer safety, the officer(s) shall, if feasible, note the exact location and condition of the evidence before it is disturbed.
 3. Pertinent information (e.g., name, address etc.) should be obtained from all witnesses.
 4. Maintain control of the crime scene until the appropriate officers or investigators arrive.
- C. Submit to a brief interview with the responding supervisor, Chief of Law Enforcement or his designee.
1. As a preliminary matter, the officer(s) involved shall submit to a brief interview by the responding supervisor, Chief of Law Enforcement and/or his designee. This interview shall be limited to a brief description of events and any information needed to locate evidence, witnesses, or additional suspects.
 2. Upon completion of the initial interview, officer(s) shall not discuss the events of the encounter among themselves, or with other Department employees, until a formal investigation has been completed by the appropriate agency of jurisdiction. The officer(s) may answer questions or openly discuss the encounter with a licensed mental health professional, which shall be provided by the Department of Game and Fish.

Duties and responsibilities of the notified supervisor or Law Enforcement assigned designee:

- A. Make sure emergency medical services, if necessary, have been notified and are responding.
- B. Immediately notify the Chief of Law Enforcement or a Law Enforcement Division designee.
- C. Respond to the scene if appropriate or assigned by the Chief of Law Enforcement or a Law Enforcement Division designee.

- D. Assume command of the crime scene until relieved by the appropriate officers or investigators.
- E. Ensure the crime scene is secure.
- F. Ensure that officer(s) involved are sequestered and not subjected to questioning by other officers, the media, etc.
 - 1. Officer(s) shall be instructed to not discuss the incident among themselves.
 - 2. Officer(s) shall not handle his/their weapon(s), unless necessary to maintain officer safety.
 - 3. The weapon(s) involved shall be secured by the responding Department supervisor.
 - 4. The Department supervisor shall relinquish secured weapons to the appropriate investigators.
- G. Take a statement from the officer(s) using deadly force or involved in deadly force incidents, which shall be limited to a brief description of events and any information needed to locate evidence, witnesses, or additional suspects.
- H. Accompany and assist the officer(s) until they are placed on paid administrative leave.

Duties and responsibilities of the Director, Chief of Law Enforcement or his designee:

- A. Assign designee to respond to the scene if appropriate.
- B. Notify the Chief of Area Operations in the area where the encounter occurred, Assistant Director of Area Operations and the Director of the Department of Game and Fish.
- C. Contact the appropriate District Attorneys office for any follow-up of any investigation or relinquishing of authority.
- D. Contact any officer on the scene and advise of the District Attorney's directive.
- E. Respond to the scene as soon as possible.

- F. Ensure that the responding supervisor's duties and responsibilities have been met.
- G. Formulate a brief statement for release to the media as soon as appropriate. Statements will only be released after going through the public affairs division and approved by the director. No other statements to the public will be permitted.
- H. If officer(s) are required to surrender weapon(s), the chief or his designee shall issue a replacement weapon(s) similar to the one(s) surrendered, if possible.

Personnel required to submit reports:

- A. With the exception of the officer(s) using deadly force, all personnel involved or present at the scene during the investigation shall submit a written report detailing his/their involvement.
- B. All written reports shall be submitted to the chief of law enforcement no later than 48 hours after the incident.

Administrative leave and mental health evaluation required:

- A. All officer(s) using deadly force shall be placed on administrative leave with pay for a minimum of three (3) days following the deadly-force incident.
- B. Officer(s) involved in the deadly-force incident may be placed on administrative leave with pay.
- C. All officer(s) using deadly force and involved in deadly-force incidents shall be required to undergo mental health counseling and evaluation prior to returning to active duty.
- D. The Department of Game and Fish shall provide a mental health professional for counseling and evaluation.

Administrative investigation of officers using deadly force or involved in deadly-force incidents:

- A. All officer(s) involved in a deadly-force incident shall be investigated as an internal administrative matter.

- B. The investigation shall follow the standard Department procedures for internal affairs investigations.
- C. The investigation shall address and determine whether:
 - 1. Department rules, policy or procedures were followed,
 - 2. The relevant policy was clearly understandable and effective to cover the situation, and
 - 3. Current Department provided training is adequate.

**PROCEDURES AND PARAMETERS FOR THE USE OF
LESS-THAN-LETHAL-FORCE**

Parameters for use of less-than-lethal-force:

Where deadly force is not authorized, officer(s) shall use only that level of force allowed by the Reactive Control Model for the given situation. Officer(s) are authorized to use Department-approved non-deadly-force techniques and issued equipment for which they are trained and certified.

Use of empty-hand techniques:

Officer(s) are authorized to use empty-hand techniques (i.e., distraction techniques, compliance holds, leveraged and impact takedowns) in compliance with the Reactive Control Model.

Duties and responsibilities of officer(s) involved:

- A. Provide emergency medical assistance.
 - 1. Once the situation is under control and the threat to the officer(s) and/or civilians is no longer present, officer(s) shall, if necessary, obtain medical attention for anyone who is injured.
- B. Notify supervisor.
 - 1. Officer(s) shall notify his/her immediate supervisor regarding their use of empty-handed techniques, within 6 hours.
- C. Document the use of empty-handed techniques

1. All officer(s) involved in the use of force shall write a report documenting the use of empty-handed techniques and submit the report to his/her supervisor within 48 hours.

Use of Chemical Agents:

Officer(s) are authorized to use Department-issued chemical agents for which they are certified and trained to use. The use of chemical agents by officer(s) shall comply with the Reactive Control Model.

Duties and responsibilities of officer(s) involved:

- A. Provide emergency medical assistance.
 1. Once the situation is under control and the threat to the officer(s) and/or civilians is no longer present, officer(s) shall, if necessary, obtain medical attention for anyone who is injured.
 2. The officer(s) shall or **medical personnel may**, flush the areas affected with the chemical agent with water as soon as reasonably possible.
 3. Transport all suspects in custody that have been affected with the chemical agents to a hospital or medical facility for medical evaluation, **unless they have already been examined and released by an emergency medical technician.**
- B. Provide Oleoresin capsicum administrative warning.
 1. Read, complete and sign O.C. administrative warning form.
- C. Notify supervisor.
 1. Officer(s) shall notify his/her immediate supervisor regarding the use of chemical agents within 6 hours.
- D. Document the use of chemical agents.
 1. All officer(s) involved in the use of chemical agents shall write a report documenting the use of the chemical agent and submit the report to his/her supervisor within 48 hours.

Use of Expandable Baton:

Officer(s) are authorized to use Department-issued expandable batons for which they are certified and trained to use. The use of the expandable baton by officer(s) shall comply with the Reactive Control Model.

Duties and responsibilities of officer(s) involved:

- A. Provide emergency medical assistance.
 - 1. Once the situation is under control and the threat to the officer(s) and/or civilians is no longer present, officer(s) shall, if necessary, obtain medical attention for anyone who is injured.
 - 2. Transport all suspects in custody that have been struck with the expandable baton to a hospital or medical facility for medical evaluation, **unless they have already been examined and released by an emergency medical technician.**
- B. Notify supervisor.
 - 1. Officer(s) shall notify his/her immediate supervisor regarding their use of the expandable baton, within 6 hours.
- C. Document the use of the expandable baton.
 - 1. All officer(s) involved in the use of the expandable baton shall write a report documenting the use of the expandable baton and submit the report to his/her supervisor within 48 hours.

Administrative investigation of officers involved in excessive use of force complaints:

- A. Upon receipt of an excessive-use-of-force complaint, all officers involved or accused in the complaint shall be investigated upon approval of the director.
- B. The investigation shall follow the standard Department procedures for internal affairs investigations.
- C. The investigation shall address and determine whether:
 - 1. Department rules, policy or procedures were followed

2. The relevant policy was clearly understandable and effective to cover the situation, and
3. Current Department provided training is adequate.

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